

A New Federal Role in Education

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In January 2002, President Bush signed into law the “No Child Left Behind Act.” The central feature of this law requires the states to adopt a specific approach to testing and accountability, intended to lead to higher achievement for all children. The legislation sends the message that the federal government will be assuming a more forceful role in elementary and secondary education, one that makes unprecedented demands on states and local school districts to raise academic achievement and to take direct action to improve poorly performing schools. The new law also requires states to raise the qualifications for new teachers and verify the qualifications of current teachers. In exchange for meeting the new demands, poorer school districts will receive additional federal funding, and all states and school districts will have greater flexibility in how they use federal funds. This summary covers the main provisions of the new statute. The legislation makes numerous other changes in federal K-12 education programs—too many to list here. For a more detailed description of the law and of the provisions described below, please check other sources such as the U.S. Department of Education’s No Child Left Behind web site (www.nochildleftbehind.gov)

REGULAR TESTING IN KEY SUBJECTS

Currently, states must administer annual exams in reading/language arts and mathematics at least once during grades 3 to 5; grades 6 to 9; and grades 10 to 12. The new law requires states to test students in more grades, using assessments developed or chosen by each state. These test results will be used to hold educators, schools, and districts accountable for student achievement. Since these testing requirements will entail additional costs, they are contingent on the federal government providing a set amount of funding each year to help states cover the costs.

- By school year 2005-06, states must administer annual statewide tests in mathematics and reading/language arts to children in grades 3 through 8, and at least once during grades 10 to 12, and must provide individual student test scores.
- By school year 2007-08, students must be tested in science at certain grade spans.
- Starting in school year 2002-03, states must annually assess the English proficiency of students who are learning the English language.
- Every other year, states must administer the mathematics and reading exams of the National Assessment of Educational Progress (NAEP) to a sample of their students in grades 4 and 8, with the federal government paying for the costs. NAEP is a national testing program that tracks student achievement in core subjects. This requirement is meant to serve as an independent check on the states’ own tests. Since the same NAEP exams will be given in every state, a comparison of NAEP results with a specific state’s test scores could help determine the difficulty of a state test.

TEST DESIGN AND USE

The new law contains specific requirements about the features and uses of state tests.

- State tests must be aligned with the state’s academic standards and must produce results that are comparable from year to year.
- State tests must yield results that can be used to determine whether students are meeting the state standards and to help teachers diagnose and address students’ specific academic needs.
- States must promptly provide test scores to local school districts by no later than the beginning of the school year after the test is given.

When the law was signed in January 2002, only 9 states were at all close to fulfilling those requirements, according to surveys by the newspaper *Education Week*.

DISAGGREGATED TEST SCORES

The new law requires every school, school district, and state to “disaggregate,” or break out, the average test results for certain groups of students, including:

- major racial and ethnic groups;
- major income groups;
- students with disabilities; and
- students with limited English proficiency.

This requirement is meant to highlight the relative achievement levels of these groups of students and to hold schools accountable for closing the achievement gap between African-American and Hispanic students on one hand, and Caucasian and Asian students on the other.

CLOSING THE ACHIEVEMENT GAP

Using disaggregated test information, states are required to follow a precise timeline to close achievement gaps between different racial, ethnic, and income groups, and other groups noted above. Beginning after school year 2001-02, states have 12 years to move all groups of students to the benchmark set by the state for proficiency in mathematics and reading. States must set regular targets for increasing achievement over that period, using as a starting level the average achievement of the lowest performing group of students or schools in the state.

FAILING SCHOOLS

Each school must test at least 95% of its students, and each group of students in a school must meet or exceed the annual objectives set for them. Schools receiving Title I aid that do not

reach state performance objectives will be subject to various forms of assistance, intervention, and other actions, depending on how long the failure persists. (Title I, the largest federal education program, provides aid to low-income schools to improve education for low achieving children.)

- If a school fails to meet performance objectives for two consecutive years, then in the third year, it must receive technical assistance from the district to help it improve, and its students will have the option to transfer to another public school in the district.
- After the third consecutive year of failure, technical assistance to the school and public school choice will continue. In addition, students will have the option of using their share of Title I funds to pay for tutoring and other supplemental educational services either from their own school or from a state-approved outside group, such as a for-profit company or a private non-profit entity.
- After the fourth consecutive year, technical assistance, public school choice, and supplemental services will continue, but the failing school must also change its staffing or make another fundamental change.
- After the fifth consecutive year, the governance of the failing school must be changed—for example, by converting it to a charter school, turning it over to a private management company, or having the state take it over.

REPORT CARDS AND PARENTS’ RIGHT TO KNOW

Each school district must issue a report card to parents and the public that includes the following information:

- The local report card must describe the state test results for students in the district, and compare the local results with those for the whole state.

- It must include test results for each school in the district, and compare each school's results with those of the whole district and the whole state.
- It must list the schools in the district that are in school improvement (the term used to describe schools that are not raising achievement for all groups of students and that must follow the schedule set out above).

States must issue similar report cards.

Parents also have the newly-granted right to request information on the qualifications of teachers in a school, such as whether teachers are state-certified and licensed or whether they are teaching with provisional certificates.

TEACHER QUALIFICATIONS

By 2005-6, states must have highly qualified teachers in all their public school classrooms where core academic subjects are taught. States must take certain steps in the interim years to meet this goal. "Highly qualified" means that a teacher must be fully certified or licensed, have a bachelor's degree, and show competence in subject knowledge and teaching skills (generally demonstrated by passing a rigorous state test). The requirements differ somewhat for new and already-hired teachers, and for elementary, middle, and high school teachers. Also, after the beginning of the school year 2002-03, all new teachers hired, whose salaries are supported by Title I program funds, must be highly qualified as will new teachers in schoolwide programs.

PARAPROFESSIONAL QUALIFICATIONS

By January 8, 2006, all paraprofessionals supported by Title I funds who perform instructional duties (including all such paraprofessionals in Title I schoolwide programs) must complete at least two years of higher education or meet a rigorous standard of quality, as determined by a test. This requirement took effect immediately for Title I supported paraprofessionals hired after January 8, 2002.

FLEXIBILITY

In exchange for meeting these federal demands, the new law gives educators more flexibility in the use of federal money. The main flexibility provisions include the following:

- School districts can shift up to 50% of the grants they receive under four federal categorical programs into any of the other three programs or into the Title I program. These four programs are for teaching improvement, innovation, technology, and safe and drug-free schools.
- In the Title I program, schools with a poverty rate of 40% may now use their Title I grants to improve education for all the children in the school, rather than just for the lowest-achieving students. Previously, only schools with a poverty rate of at least 50% could operate these "schoolwide" projects.
- The new law authorizes several experimental programs to test what happens when more federal requirements are relaxed in a select number of states and school districts.

MORE FUNDS FOR THE POOREST DISTRICTS

The new statute makes several changes in the method for distributing Title I funds, in order to direct additional funding to the poorest school districts. Even more significantly, the actual dollars to carry out this increase for low-income areas were appropriated by the fiscal year 2002 appropriations bill. It was important that both the authorizing law (the No Child Left Behind Act) and the appropriations bill had the same goals, because in past years, funds have not always been appropriated for the more highly-targeted sections of the Title I funding formula.

OTHER PROGRAMS

The new legislation revises and extends many other federal aid programs for elementary and

secondary education, including the Bilingual Education program, Impact Aid, the Safe and Drug-Free Schools and Communities Act, the 21st Century Community Learning Centers, and the education technology program. Two especially noteworthy new programs are the following:

- The Teacher Quality initiative makes funds available to school districts to recruit and retain teachers and principals and provide them with professional development. This new program combines two formerly separate programs: the Eisenhower Professional Development program and the class-size reduction initiative.
- The Reading First program helps school districts carry out comprehensive programs to improve reading instruction. Grant recipients must conduct diagnostic testing of children in K-3 to determine who is at risk of reading failure.

IMMEDIATE ACTION IN SCHOOL YEAR 2002-03

To underscore the urgency of the new federal demands for accountability, the law includes some important changes that will be effective in the school year 2002-03.

- In fall 2002, as already noted, new teachers hired with Title I funds or teaching in school-wide programs must be highly qualified.

- All Title I supported paraprofessionals who perform instructional duties and who were hired after January 8, 2002 must have completed at least two years of college or must meet a rigorous standard of quality as determined by a test.
- In fall 2002, students in schools that have failed for a second year to meet the improvement provisions of the prior law will have the option of leaving the failing school and enrolling in a different public school in the district. According to the U.S. Department of Education, students in an estimated 8,652 schools will qualify for this option. The local school board must pay for some or all of these students' transportation expenses.
- In fall 2002, students in an estimated 3,000 schools will be offered both the option of public school choice and of taking away from the public school system their per-pupil share of Title I funding (between \$300 and \$1,000 per child) and transferring that amount to a private company, religious institution, or non-profit organization to pay for after-school tutoring or other supplemental services. This provision applies to students in schools that have already been labeled as failing for three years under the previous federal law.
- In 2002-03, students who are learning the English language must be assessed to determine their English proficiency.

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